

**IN THE UNITED STATES DISTRICT COURT**

**FOR THE EASTERN DISTRICT OF CALIFORNIA**

11 RICHARD REES, et.al, CASE NO. CV-F-05-00297 AWI LJO  
12 Plaintiff, **ORDER ADOPTING FINDINGS AND  
13 vs. RECOMMENDATIONS (Doc. 30)**

14 SOUZA'S MILK TRANSPORTATION,  
15 CO., et al.,  
Defendants.

## Defendants.

17 On March 22, 2006, the Magistrate Judge to whom this class action has been assigned issued  
18 findings and recommendations that the plaintiffs' Motion to Certify Class Action be GRANTED under  
19 29 U.S.C. §216(b) and Federal Rule of Civil Procedure 23. The Magistrate's findings and  
20 recommendations recommended that the collective and class be certified as follows:

## 21 Collective action for violation of the Fair Labor Standards Act:

22 "All persons who are now employed or have been employed by defendant  
23 in the State of California who, on or after February 28, 2002, to the time  
24 of trial, have worked as a truck driver hauling dairy products from  
25 processing plants to warehouses or retail establishments solely within the  
State of California and have worked in excess of forty (40) hours per  
week without being paid overtime compensation by Souza for those  
excess hours."

26 Class action for violation of California's Unfair Competition Law:

27 "All persons who are now employed or have been employed by defendant  
28 in the State of California who, on or after February 28, 2001 to the time  
of trial, have worked as a truck driver hauling dairy products from

1 processing plants to warehouses or retail establishments solely within the  
2 State of California and have worked in excess of forty (40) hours per  
3 week without being paid overtime compensation by defendants for those  
4 excess hours.”

5 The Magistrate Judge also recommended appointing Jerry Budin, of the Law Office of Jerry Budin, as  
6 class counsel.

7 On March 22, 2006, the Magistrate Judge filed findings and recommendations herein which were  
8 served on the parties and which contained notice that any objections to the findings and  
9 recommendations were to be filed within twenty days of the date of service thereof. The parties have  
10 not filed any objections to the findings and recommendations.

11 In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), Fed.R.Civ.P. 72(b) and Local  
12 Rule 73-304, this court has conducted a de novo review of this case. Having carefully reviewed the  
13 entire file, the Court finds the findings and recommendations to be supported by the record and by the  
14 Magistrate Judge's analysis.

15 Accordingly, the Court HEREBY ORDERS that the findings and recommendations, filed March  
16 22, 2006 (Doc. 30), are ADOPTED IN FULL.

17 IT IS SO ORDERED.

18 **Dated:** April 23, 2006  
19 0m8i78

/s/ Anthony W. Ishii  
20 UNITED STATES DISTRICT JUDGE

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